

Guard Captain of the Port Lake Michigan or a designated representative. Upon being hailed by the U.S. Coast Guard by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(3) All vessels must obtain permission from the Captain of the Port Lake Michigan or a designated representative to enter, move within or exit the safety zone established in this section when this safety zone is enforced. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port Lake Michigan or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

(d) *Notice of Enforcement or Suspension of Enforcement.* The safety zone established by this section will be enforced only upon notice of the Captain of the Port. The Captain of the Port Lake Michigan will cause notice of enforcement of the safety zone established by this section to be made by all appropriate means to the affected segments of the public including publication in the FEDERAL REGISTER as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include, but are not limited to Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port Lake Michigan will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone established by this section is suspended.

(e) *Exemption.* Public vessels as defined in paragraph (b) of this section are exempt from the requirements in this section.

(f) *Waiver.* For any vessel, the Captain of the Port Lake Michigan or a designated representative may waive any of the requirements of this section, upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of safety or environmental safety.

[CGD09-07-007, 72 FR 32525, June 13, 2007]

#### § 165.935 Safety Zone, Milwaukee Harbor, Milwaukee, WI.

(a) *Location.* The following area is a safety zone: the waters of Lake Michigan within Milwaukee Harbor including the Harbor Island Lagoon enclosed by a line connecting the following points: beginning at 43°02'00" N, 087°53'53" W; then south to 43°01'44" N, 087°53'53" W; then east to 43°01'44" N, 087°53'25" W; then north to 43°02'00" N, 087°53'25" W; then west to the point of origin.

(b) *Definitions.* The following definitions apply to this section:

(1) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port Lake Michigan to monitor this safety zone, permit entry into this zone, give legally enforceable orders to persons or vessels within this zone and take other actions authorized by the Captain of the Port.

(2) *Public vessel* means vessels owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(c) *Regulations.* (1) The general regulations in 33 CFR 165.23 apply.

(2) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port or a designated representative. Upon being hailed by the U.S. Coast Guard by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(3) All vessels must obtain permission from the Captain of the Port or a designated representative to enter, move within or exit the safety zone established in this section when this safety zone is enforced. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

(d) *Notice of Enforcement or Suspension of Enforcement.* The safety zone established by this section will be enforced only upon notice of the Captain of the Port. The Captain of the Port will cause notice of enforcement of the safety zone established by this section to be made by all appropriate means to

the affected segments of the public including publication in the FEDERAL REGISTER as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include, but are not limited to Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone established by this section is suspended.

(e) *Exemption.* Public vessels as defined in paragraph (b) of this section are exempt from the requirements in this section.

(f) *Waiver.* For any vessel, the Captain of the Port Lake Michigan or a designated representative may waive any of the requirements of this section, upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of safety or environmental safety.

[CGD09–07–008, 72 FR 32523, June 13, 2007]

**§ 165.939 Safety Zones; Annual Fireworks Events in the Captain of the Port Buffalo Zone.**

(a) *Safety zones.* The following are designated as safety zones:

(1) *Boldt Castle 4th of July Fireworks, Heart Island, NY.* (i) *Location.* All U.S. waters of the Saint Lawrence River within a 1,120 foot radius of land position 44°20'38.5" N, 075°55'19.1" W (NAD 83) at Heart Island, NY.

(ii) *Enforcement date and time.* From 8:30 p.m. to 10:30 p.m. on July 4 of each year.

(2) *Clayton Chamber of Commerce Fireworks, Calumet Island, NY.* (i) *Location.* All U.S. waters of the Saint Lawrence River within an 840 foot radius of land position 44°15'04" N, 076°05'40" W (NAD 83) at Calumet Island, NY.

(ii) *Enforcement date and time.* From 9:00 p.m. to 11:30 p.m. on July 3 of each year.

(3) *French Festival Fireworks, Cape Vincent, NY.* (i) *Location.* All U.S. waters of the Saint Lawrence River within an 840 foot radius of land position 44°07'54.6" N, 076°20'01.3" W (NAD 83) in Cape Vincent, NY.

(ii) *Enforcement date and time.* From 9:15 p.m. to 11:00 p.m. on the second weekend of July each year.

(4) *Lyme Community Days, Chaumont, NY.* (i) *Location.* All U.S. waters of Chaumont Bay within a 560 foot radius of position 44°04'06.3" N, 076°08'56.8" W (NAD 83) in Chaumont, NY.

(ii) *Enforcement date and time.* From 8:30 p.m. to 11:00 p.m. on the fourth weekend of July each year.

(5) *Village Fireworks, Sackets Harbor, NY.* (i) *Location.* All U.S. waters of Black River Bay within an 840 foot radius of position 43°56'51.9" N, 076°07'46.9" W (NAD 83) in Sackets Harbor, NY.

(ii) *Enforcement date and time.* From 8:30 p.m. to 10:30 p.m. on July 4 each year.

(6) *Can-Am Festival, Sackets Harbor, NY.* (i) *Location.* All U.S. waters of Black River Bay within a 1,120 foot radius of position 43°57'15.9" N, 076°06'39.2" W (NAD 83) in Sackets Harbor, NY.

(ii) *Enforcement date and time.* From 9:00 p.m. to 10:45 p.m. on the third weekend of July each year.

(7) *Oswego Harborfest, Oswego, NY.* (i) *Location.* All U.S. waters of Lake Ontario within a 1,000 foot radius of position 43°28'10" N, 076°31'04" W (NAD 83) in Oswego, NY.

(ii) *Enforcement date and time.* From 9:00 to 10:30 p.m. on the last Saturday of July each year.

(8) *Brewerton Fireworks, Brewerton, NY.* (i) *Location.* All U.S. waters of Lake Oneida within an 840 foot radius of barge position 43°14'16.4" N, 076°08'03.6" W (NAD 83) in Brewerton, NY.

(ii) *Enforcement date and time.* From 9:00 p.m. to 10:30 p.m. on July 3 of each year.

(9) *Celebrate Baldwinsville Fireworks, Baldwinsville, NY.* (i) *Location.* All U.S. waters of the Seneca River within a 700 foot radius of land position 43°09'24.9" N, 076°20'18.9" W (NAD 83) in Baldwinsville, NY.

(ii) *Enforcement date and time.* From 9:00 p.m. to 11:00 p.m. on the first weekend of July each year.

(10) *Island Festival Fireworks, Baldwinsville, NY.* (i) *Location.* All U.S. waters of the Seneca River within a 1,120 foot radius of land position 43°09'22" N, 076°20'15" W (NAD 83) in Baldwinsville, NY.